



Ministry of Children and Youth Services

Guidelines

Independent Review Mechanism (Appendix to Autism Intervention Program Guidelines)

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SECTION I: ABOUT THE INDEPENDENT REVIEW MECHANISM

Purpose and Overview

The purpose of the Independent Review Mechanism (IRM) is to enhance the consistency, transparency and fairness of decisions made regarding a child's eligibility or discharge from the Autism Intervention Program (AIP). Please refer to the AIP Guidelines for more information about the AIP.

Through the IRM, parents/caregivers of children and youth with Autism Spectrum Disorder (ASD) may initiate reviews of decisions regarding eligibility for or discharge from the program. Psychologists and psychological associates who are independent from the AIP service delivery review AIP decisions and then determine whether the AIP provider's decision is supported by the information in the case file materials provided to the IRM.

Principles guiding service delivery

The following principles will guide the operation of the IRM:

- **Clarity and Transparency:** The review process is clear and transparent. Service providers and the IRM Coordinator communicate in a clear and transparent manner with parent(s)/caregiver(s) about decisions related to their child and the opportunity to have decisions related to eligibility and discharge reviewed.
- **Parent/Caregiver Choice:** Parent(s)/caregiver(s) may choose to initiate an independent review on decisions related to eligibility and discharge, and may end the IRM process before a decision is made.
- **Quality Decision-making:** Psychologists and psychological associates who are registered to practice and have expertise and experience in the use of Applied Behaviour Analysis (ABA) and/or Intensive Behavioural Intervention (IBI) make informed clinical decisions based on the relevant data.
- **Confidentiality and Prevention of Conflicts of Interest:** The IRM avoids conflicts of interest and protects client confidentiality. Clear and detailed information sharing practices will help to ensure that clients' personal information is appropriately collected, used, disclosed, and retained in accordance with relevant professional standards and provincial privacy legislation (e.g., the *Personal Health Information Protection Act, 2004*).
- **Effective and Efficient Service Delivery:** The IRM is administered in a manner that helps to ensure timely, quality reviews for children and youth and their parent(s)/caregiver(s).
- **Independence and Autonomy:** The IRM process is administered by an IRM Coordinator that is independent from the AIP, using autonomous reviewers who are also independent from the AIP.

SECTION II: ADMINISTRATION OF THE INDEPENDENT REVIEW MECHANISM

IRM Coordinator

The Ministry contracts with a Transfer Payment Agency to act as the IRM Coordinator and to administer the IRM process. This agency is not involved in autism service delivery and provides service in English and French.

The role of the IRM Coordinator is to coordinate the IRM across Ontario by:

- administering a process for psychologists and psychological associates independent from the AIP to review AIP decisions on eligibility and discharge;
- acquiring and managing a roster of independent reviewers, accountable to the IRM Coordinator, through a clear and transparent procurement process;
- educating independent reviewers on the AIP and up-to-date research on IBI;
- monitoring independent reviewers to ensure timelines are met, guidelines are followed and appropriate rationale is provided for decisions, as well as developing and monitoring inter-rater reliability (i.e., concordance in the degree of agreement among reviewers).
- tracking and reporting review outcome trends and performance through a quarterly report to the ministry;
- acting as the liaison between reviewers, parents/caregivers and AIP service providers, including communicating results of reviews; and
- developing resources to assist in the communication and administration of the IRM process.

The IRM Coordinator has an administrative role only in the independent review process; it does not have any decision-making authority regarding the decision of AIP providers or independent reviewers.

Roster of Independent Reviewers

The IRM Coordinator is responsible for recruiting and maintaining a roster of independent reviewers who will conduct reviews of AIP decisions. The Coordinator will assign one independent reviewer per case to conduct a review based on his or her clinical judgment and the relevant evidence in the case file materials.

The roster is composed of psychologists and psychological associates with extensive knowledge of ASD and who are working in the field of ASD. These professionals may include private practitioners, public sector psychologists and psychological associates, or academics with clinical experience.

AIP providers, both Direct Service Option (DSO) and Direct Funding Option (DFO), and their staff are not eligible to be on the reviewer roster. Practitioners formerly employed by an AIP provider and former DFO private providers are eligible for membership on the roster, however they may not review decisions made by the AIP provider (DSO or DFO) with which they were associated, nor decisions regarding children they may have had as clients. The Coordinator will identify these and other potential conflicts of interest to ensure reviews are not conducted by reviewers who may have a conflict of interest related to the review.

Qualifications for Roster Membership:

The minimum qualifications are:

- A psychologist or psychological associate who works with people with ASD and has extensive knowledge of ASD;
- Expertise and experience in the use of ABA and/or IBI; and
- A member registered for autonomous practice and in good standing with the College of Psychologists of Ontario or comparable regulatory body in the jurisdiction where the psychologist or psychological associate practices.

Out of province clinicians are eligible for roster membership if they are registered in good standing to practice in their home jurisdiction.

Education of Roster Members

The IRM Coordinator will develop and deliver education to roster members on up-to-date research on IBI and the policies and procedures of the AIP.

Quality Assurance

The IRM Coordinator will promote quality in the IRM process by monitoring independent reviewers to ensure timelines are met, guidelines are followed and appropriate rationale is provided for decisions, as well as developing and monitoring inter-rater reliability (i.e., concordance in the degree of agreement among reviewers). It establishes a quality management system that includes providing feedback to providers.

SECTION III: PROCESS FOR REVIEWS

Overview

The IRM will review decisions related to eligibility for and discharge from the AIP following a multi-step process that includes an internal administrative review and, if necessary, a review by

an independent psychologist or psychological associate. Service providers will communicate the option of and process for an independent review to parent(s)/caregiver(s) when families are informed that IBI is not suitable for their child or that their child is ineligible for IBI and when a discharge decision is communicated.

Steps and Timelines

The independent review process will be completed within 75 business days from the date an AIP decision is communicated to the parent(s)/caregiver(s). The 75 business days include:

- the time that parent(s)/caregiver(s) have to consider requesting a review in writing;
- an internal administrative review which must take place before the independent review;
- the duration of the independent review; and,
- the release of the final written decision.

The following are the steps and timelines of the IRM process:

1. AIP Decision

The AIP provider will discuss its decision that a child is ineligible for IBI or its decision to discharge a child with the parent(s)/caregiver(s) and provide notice of this decision in writing. Parent(s)/caregiver(s) will be informed that they have 20 business days from the date they receive the written decision to request a review in writing and may submit additional information and/or supporting documentation relevant to the decision under review (e.g., information about a child's diagnosis, behaviours, or other treatments or assessments outside of IBI) during this 20 business day period only.

Parent(s)/caregiver(s) may review the case file materials relevant to their child's decision before submitting the request. As soon as the request is received, the provider will register the request with the IRM Coordinator who will open the file and notify the parent(s)/caregiver(s) that their request has been registered. Parent(s)/caregiver(s) may end the review process at any time.

2. Internal Administrative Review

If the parent(s)/caregiver(s) decides to request a review, the service provider will first complete an internal administrative review. This is a mandatory step in the IRM process.

The purpose of the internal administrative review is to review the process by which the service provider made an eligibility or discharge decision, and to allow both the parent(s)/caregiver(s) and service provider an opportunity to reach a mutual understanding regarding the child's or youth's case file materials relevant to the decision by reviewing, discussing, and modifying/accepting previously made decisions.

The internal administrative review also includes a review of any additional supporting documentation relevant to the decision under review that was provided by a family when the review was requested (e.g., information about the child's diagnosis, behaviours, or other treatments or assessments outside of IBI) and any additional documentation/correspondence that the AIP intends to send to the IRM.

The administrative review will be conducted by the individual who oversees the AIP program (i.e., the Executive Director or his/her designate) to whom the Clinical Director reports. In this stage, the administrative reviewer will:

- Ensure the child's case file materials contain all necessary information in support of the decision, subject to the College of Psychologists of Ontario's Standards of Professional Conduct, the *Personal Health Information Protection Act, 2004* and other applicable legislation;
- Ensure that no administrative errors were made during the AIP decision making process;
- If appropriate, request that the Clinical Director or his/her designate provide a more comprehensive summary report in support of the eligibility or discharge decision. The report will be communicated to and discussed with the parent(s)/caregiver(s);
- Consider any additional documentation from the parent(s)/caregiver(s); and
- Take appropriate action, if any.

The internal administrative review phase will be completed within 18 business days of the date the parent(s)/caregiver(s) request the review.

- Within the first 13 business days, the AIP provider must conduct its internal administrative review and discuss the outcome with the parent(s)/caregiver(s).
- Within the remaining 5 business days, parent(s)/caregiver(s) will decide whether or not they wish to proceed with the independent review and will notify the AIP provider of this decision in writing. The AIP will then communicate the outcome of the internal administrative review to the IRM Coordinator, including whether or not parent(s)/caregiver(s) wish to proceed with the independent review.

3. Referral to IRM Coordinator/Independent Reviewer

If, after the internal administrative review is completed, the parent(s)/caregiver(s) wishes to proceed with the independent review, the AIP provider will forward the IRM

case file materials (with written parental consent) including the supporting documents from the parent(s)/caregiver(s) and any additional provider documentation/correspondence that was shared with the parent during the internal administrative review, to the IRM Coordinator and provide a copy to the parent(s)/caregiver(s) subject to the College of Psychologists of Ontario’s Standards of Professional Conduct, the *Personal Health Information Protection Act, 2004* and any other applicable legislation. The provider completes this referral as soon as the parent(s)/caregiver(s) request to proceed to the independent review is received.

Upon receiving the IRM case file materials from the AIP provider, the IRM Coordinator will confirm receipt to both the AIP provider and the parent(s)/caregiver(s), and forward the case file materials to an independent reviewer within 7 business days.

The IRM Coordinator will ensure anonymity of the child and the parent(s)/caregiver(s) involved by removing any identifying information regarding the region, AIP providers, other service provider, parent(s)/caregiver(s) and the child, etc. from the case file materials.

The IRM Coordinator will inform the AIP provider and the parent(s)/caregiver(s) of the status in the process and next steps.

4. Review by the Independent Reviewer

The independent reviewer will determine if the AIP decision is consistent with the information in the case file materials based on his/her clinical judgment and the AIP Guidelines.

Types of Reviews	Decision Consistent	Decision Inconsistent
1. Eligibility (not eligible for IBI)	Child or Youth not eligible for IBI	Child or Youth is eligible for IBI and is placed on a waitlist based on date of original referral to AIP
2. Discharge	Child or Youth should be discharged	Child or Youth should not be discharged at this time and will remain in the AIP

While a discharge decision is under review, the child will continue with the transition process, which may include a reduction in service intensity (i.e., the number of hours of IBI a child receives per week), but will not be discharged from IBI.

The reviewer will provide his or her decision and rationale in writing to the IRM Coordinator within 25 business days of receiving the case file materials.

5. Notification

The IRM Coordinator will notify the AIP provider and parent(s)/caregiver(s) within 5 business days from the day the Coordinator receives the decision from the reviewer. The reviewer will provide his or her decision, its rationale and outcome in a standardized written form to the IRM Coordinator, which will provide it to the parent(s)/caregiver(s) and AIP provider involved.

6. Resolution

a) Eligibility Decisions

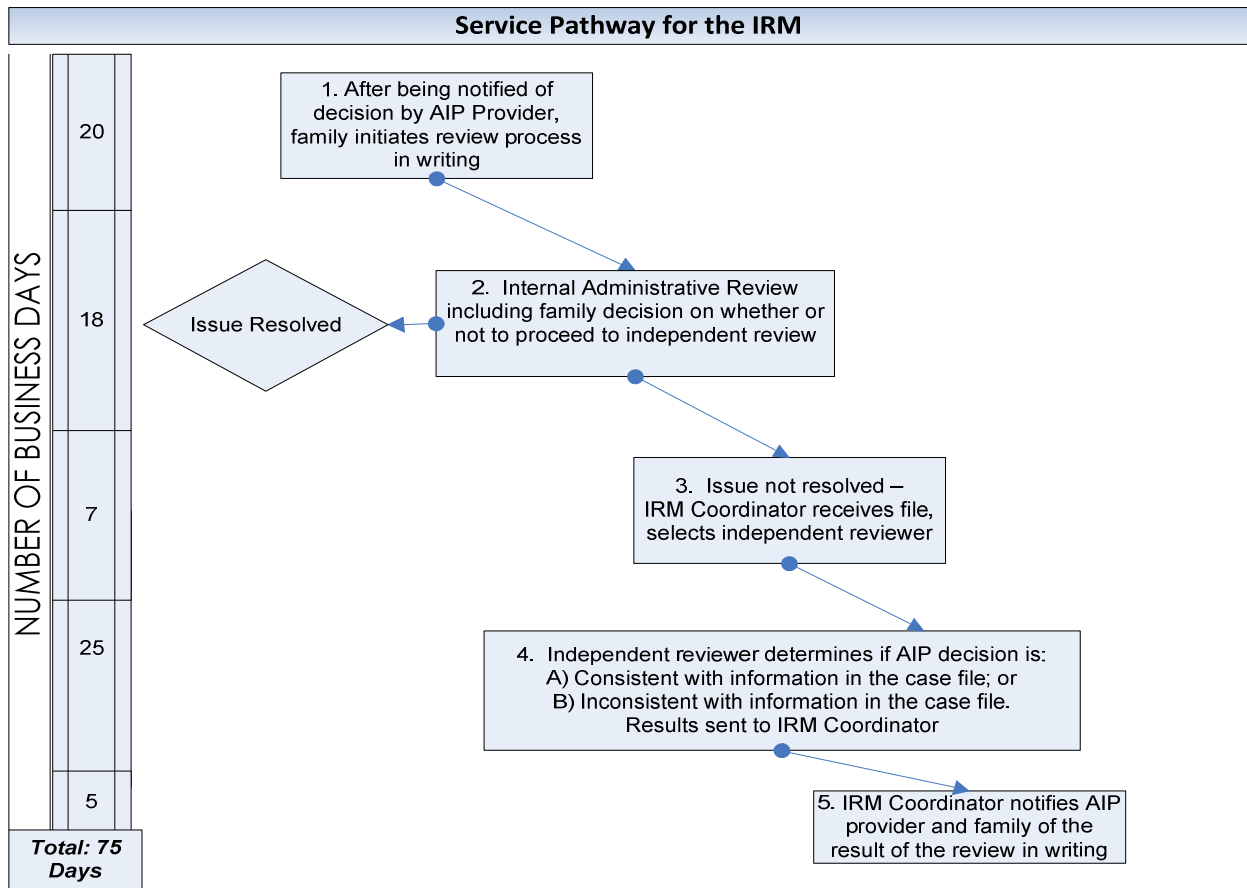
If a decision of eligibility is made, the child will be placed on the waitlist by date of original referral to the AIP. Where the original ineligibility decision stands, AIP providers will continue to refer parent(s)/caregiver(s) to other community resources, as per standard AIP procedures.

b) Discharge Decisions

If the AIP provider's decision to discharge a child stands, then the original provider decision remains in effect and the child will continue with the transition process out of the AIP (e.g., through the Connections for Students model for children who are starting or continuing in a publicly-funded school). These children will also be able to apply for other MCYS-funded community-based supports, such as Applied Behaviour Analysis-based Services and Supports, respite, and March Break and Summer Camps.

If the decision is that the child or youth should not be discharged, the agency responsible will take appropriate action to comply with the independent reviewer's decision. The child will return to IBI service in his or her existing service stream (i.e., the Direct Service Option or the Direct Funding Option) and will return to the IBI service hours per week provided at the time the family received the discharge decision for at least six months before any new discharge decision can be made.

A decision made by the independent reviewer is final and there is no further right of review. However, if a child returns to service following an AIP discharge decision deemed inconsistent by the IRM, future discharge decisions are eligible for review. The most recent IRM decision is final.



SECTION IV: MONITORING AND EVALUATION

The IRM Coordinator has a service contract with MCYS. The service contract includes requirements for the collection of information consistent with the Ministry's approach to performance measurement to support decision-making and business planning.

The IRM Coordinator will collect and report information pertaining to IRM service delivery and system outcomes, for example, information related to the:

- timeliness of the review process;
- regional/service provider decision trends;
- reviewer decision trends;
- number of reviews initiated by type (eligibility or discharge);
- number of reviews resolved through the internal administrative review; and
- number of reviews in which the AIP decision was found to be consistent or inconsistent with the case file materials relevant to the decision.

The IRM Coordinator will develop a summary of IRM outcomes and performance as described above and submit to the ministry on a quarterly basis.